(3)

Single Bench

C.F. (10)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 397 /2004

PETITIONERS (SUCCESSION CERTIFICATE HOLDERS) :-

1. Roopa Devi Wd/o late Purushottam Das, aged about 36 years,
2. Milan Kumar S/o. late Purushottam Das, aged about 14 years,
3. Lileshwari D/o. late Purushottam Das, aged about 10 years.
4. Kumari Maheshwari D/o late Purushottam Das, aged about 8 years

All R/o. village Sarbahara, P.O. Gaurela, Tah. Pendra Road, Distt. Bilaspur (C.G.).

Petitioner No. 2 to 4 are minor hence representing by mother being natural guardian as petitioner No.1.

P.R. No. 3764/04
Presented by Shri Kumar
dated 18/5/04

VERSUS

RESPONDENTS :-

The Bharat Aluminium Company Ltd. Through - Personnel Manager, (Alumina) Balco, Balco Nagar, Korba (C.G.).

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.

(16)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C) No. 397/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
e h	**20-1-2005** Heard Shri Malay Kumar Bhaduri, counsel for the petitioners. The petitioners have preferred this writ petition under Article 227 of the Constitution of India seeking relief that suitable direction be given to the respondent in respect of succession certificate dated 3-4-2000 granted by the Civil Judge, Class-I, Pendra Road in M.J.C. No.3/99. Learned counsel for the petitioners submitted that late Purushottam was an employee of the respondent who died in harness. Thereafter, the petitioners being legal heirs of Purushottam moved the Civil Judge for grant of succession certificate and that succession certificate was granted in favour of the petitioners, but the respondent is not paying dues as admissible to late Purushottam, their ancestor. As the succession certificate itself is not executable, therefore, the petitioners are required to undertake the legal proceeding under the relevant law for enforcement of the succession certificate. This writ petition has been filed under Article 227 of the Constitution of India, whereas, no order of any Court below or Tribunal has been challenged, therefore, this writ petition is not maintainable and the same is liable to be dismissed and it is accordingly dismissed. Sd/- L.C.BHADOO Judge	

Barve

GRPRJ—FS/350—12/2000—50,000.

9.2.05